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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,400	03/29/2001	Jay H. Connelly	42390P10860	8766

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EXAMINER	
BUI, KIEU OANH T	
ART UNIT	**PAPER NUMBER**
2623	

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11/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/823,400	CONNELLY, JAY H.	
	Examiner	Art Unit	
	KIEU-OANH BUI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14 and 16-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12, 14,16-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-12, 14, and 16-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

3. Claims 1-12, 14, and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (U.S. Patent No. 6,594,682) in view of Arsenault et al. (U.S. Patent No. 6,922,844 B1).

Regarding claims 1 and 20, Peterson discloses a computing device (client 24, figs. 1 & 2) comprising a machine-readable medium (system memory 34, fig. 2) and a processor (processing unit 32, fig. 2), the machine-readable medium including instructions (see "program modules" [col. 7, ll.58-64]) which when executed by the processor cause the processor to perform operations (a method) comprising:

receiving (210, fig. 7) a plurality of streaming content description data (index 30, fig. 3; col. 6, ll.16-26) about a plurality of streaming content (see "video or audio played at the server" [col. 5, ll.61-63]);

receiving (210, fig. 7) a plurality of stored content descriptions data (index 30, fig. 3; col. 6, ll.16-26) about a plurality of stored content (see "page stored at a web site" [col. 5, ll.54-57]);

providing (200, fig. 7) a program guide including at least some of the streaming content description data and at least some of the stored content description data (col. 6, ll. 58-67 & col. 11, ll.8-12);

invoking (208, fig. 7) by a coordinator (browser 90, figs. 2, 3) a first content manager (see "delivery module" [112 or 114, fig. 3; col. 9, ll.31-53]) when either a first streamed content is selected or a first stored content is selected (col. 9, ll. 15-31) via the program guide (i.e., responsive to the content schedule [col. 11, ll.8-18]), wherein the first streamed content and the first stored content are a first digital data type (i. e., "broadcast" or "multicast" protocol [col. 9, ll.42-49]); and invoking [208, fig. 7] by a coordinator [browser 90, figs. 2, 3] a second content manager [110, fig. 3; col. 9, ll.31-53] when a user selects [col. 6, ll. 42-47] either a second streamed content or a second stored content via the program guide, wherein the second streamed content and the second stored content are a second digital data type (i.e., "point-to-point" protocol [col. 5, l.67 - col. 6, l.2]) and wherein the first digital data type and the second digital data type are different (col. 6, ll.38-58).

Peterson further discloses the coordinator invokes the appropriate content manager (col. 11, ll. 19-24) to control the system hardware to retrieve content based on the digital data type (col. 9, ll.21-30). Peterson fails to disclose the first and second content managers register with the coordinator by informing the coordinator of the first and second data types. However, in an analogous art, Arsenault discloses a compiler 304 working as a coordinator in combining a plurality of content from different sources and the compiler identifies the contents on data formats – meaning all data types are registered, classified and known by the compiler (Figs. 2 & 3 & col. 5/lines 9-38); and proper data formats are performed and delivered by the compiler before delivery to sub-databases to different receivers/users (col. 5/line 65 to col. 6/line 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson's system to further include a compiler as of Arsenaults' with all the functionality as taught to identify and classify data formats in order to deliver appropriate data contents to users by using that compiler to gather (a wide variety of different) contents from different content sources.

As to claims 2 and 21, Peterson and Arsenault together disclose the system and corresponding method of claims 1 and 20. In addition, Peterson discloses receiving a request to present the selected stored content (220, fig. 7); and presenting the selected stored content (222, fig. 7).

As to claims 3 and 22, Peterson and Arsenault together disclose the system and corresponding method of claims 1 and 20. In addition, Peterson discloses receiving a request to provide a plurality of details about a selected stored content [218, fig. 7]; presenting the details about the selected stored content (218, fig. 7).

As to claims 4 and 23, Peterson and Arsenautl together disclose the system and corresponding method of claims 1 and 20. In addition, Peterson discloses receiving a request to present a selected streaming content (220, fig. 7); presenting the selected streaming content (222, fig. 7).

As to claims 5 and 24, Peterson and Arsenault together disclose the system and corresponding method of claims 1 and 20. In addition, Peterson discloses receiving a request to provide a plurality of details about a selected streaming content (218, fig. 7); presenting the details about the selected stored content (218, fig. 7).

Regarding claims 6 and 8, Peterson and Arsenault together disclose the method and computing device of claims 2 and 4. Furthermore, Arsenautl discloses decrypting the stored content and decrypting the streaming content (col. 4/lines 5-17).

Regarding claims 7 and 9, Peterson and Arsenault together disclose the methods of claims 2 and 4. Arsenault further discloses decompressing the stored content and streaming content (see decoders, col. 7, lines 47-65).

Regarding claim 12, see Peterson and Arsenault as applied to claims 1 and 20, above. In addition, Peterson discloses a system comprising the claimed coordinator [operating system 60, fig. 2; col. 7, l. 62 - col. 8, l. 1]. Peterson fails to disclose the first and second content managers register with the coordinator by informing the coordinator of the first and second data types. However, in an analogous art, Arsenault discloses a compiler 304 working as a coordinator in combining a plurality of content from different sources and the compiler identifies the contents on data formats – meaning all data types are registered, classified and known by the compiler (Figs. 2 & 3 & col. 5/lines 9-38); and proper data formats are performed and delivered

by the compiler before delivery to sub-databases to different receivers/users (col. 5/line 65 to col. 6/line 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson's system to further include a compiler as of Arsenaults' with all the functionality as taught to identify and classify data formats in order to deliver appropriate data contents to users by using that compiler to gather (a wide variety of different) contents from different content sources.

Regarding claims 10, 11, 18, and 19, Peterson and Arsenautl together disclose the method and computing device of claims 1 and 12. Furtermore, Arsenault discloses receiving a content manager update and receiving a new content manager (refer to col. 23/lines 42-54 for program guide updates).

As to claim 14, Peterson and Arsenault together disclose the system of claim 12. In addition, Peterson discloses wherein the coordinator invokes a content manager to present a selected content (user interface 140, fig. 3; col. 10, lines 60-63).

Regarding to claims 16 and 17, see the rejection of claims 6-9, above. In addition, Peterson discloses the coordinator and each content manager comprise a presentation component (video adapter 76, fig. 2; col. 8, ll. 14-18).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arsenault et al (US Patent 7,036,137 B1) discloses a similar system for combining different contents from different sources to viewers using a program guide.

5. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to PTO New Central Fax number:
(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
Nov. 08, 2007